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Serial Number: 10/743,988   Dkt: 2043.047US2
Filing Date: December 22, 2003
Title: METHOD AND APPARATUS FOR FACILITATING SALES OF GOODS BY INDEPENDENT PARTIES

IN THE CLAIMS

Please amend the claims as follows:

1.   (Currently Amended) A ~~computer-implemented~~ method for pricing goods <u>offered for sale</u> <u>by</u> [[of]] independent sellers<u>, the method being computer implemented by</u> ~~using~~ a marketeer controller capable of communicating via a communications network, the marketeer controller being configured for electronic communication via the communications network and including a CPU and a memory operatively connected to the CPU, the method comprising the marketeer controller:

receiving data from an independent seller, via the communications network, the data identifying a good offered for sale by the independent seller and representing the independent seller's agreement to sell the good at a fixed price to be determined by the marketeer controller <u>as</u> <u>a function of another party's price for a comparable good, in accordance with a predetermined</u> <u>method</u>;

querying a vendor to determine the vendor's price for a comparable good, said querying comprising the marketeer controller transmitting a query, via the communications network, to a vendor's controller that is configured for electronic communication via the communication network and that includes a respective CPU and a respective memory operatively connected to the respective CPU, said query identifying said good and requesting transmission to the marketer controller of the vendor's price for the comparable good;

receiving, via the communications network, the vendor's price for the comparable good; and

establishing <u>with a pricing agent stored in the memory of the marketeer controller</u> a sale price at which the good may be purchased by a buyer from the independent seller, <u>the sale price</u> <u>derived, independent of a sale price suggested by the seller, by a predetermined method using as</u> <u>input the received vendor's price for the comparable good</u> ~~by a pricing agent stored in the~~ ~~memory of the marketeer controller receiving the vendor's price as input and using a~~ ~~predetermined method to derive the sale price and provide it as output~~.

2.   (Previously Presented) The method of claim 1, further comprising:

presenting the good in a marketplace as an item for sale at an unidentified price, the marketplace being accessible to a buyer via the communications network; and

presenting the good for sale in the marketplace at the sale price, the querying and establishing steps being performed responsive to receiving from the buyer, via the communications network, an expression of interest in purchasing the good, whereby the sale price is derived proximate a time of sale of the good to the buyer.

3.   (Original) The method of claim 1, wherein the seller agrees, before the sale, to sell the good at a sale price determined by the marketeer proximate a time of sale of the good to the buyer, the sale price being determined in accordance with the predetermined method.

4.   (Previously Presented) The method of claim 1, wherein using a predetermined method to derive the sale price comprises equating an index price to the vendor's price of the comparable good.

5.   (Original) The method of claim 1, wherein the seller's good is used and has a certain universal product code (UPC) or International Standard Book Number (ISBN) code, and the comparable good is new and has an identical UPC or ISBN.

6.   (Original) The method of claim 1, wherein the querying is performed responsive to the receiving of the identifying data.

7.   (Previously Presented) The method of claim 1, wherein the predetermined method is set by the marketeer controller.

8.   (Original) The method of claim 1, wherein the data identifying the good of the independent seller's good comprises a universal product code (UPC).

9.   (Original) The method of claim 1, wherein the data identifying the good the independent seller's good comprises an International Standard Book Number (ISBN).

10.   (Original) The method of claim 1, wherein the predetermined method comprises discounting the index price for the comparable good to determine the sale price for the independent seller's good.

11.   (Original) The method of claim 10, wherein the predetermined method comprises discounting the index price by approximately fifty percent.

12.   (Original) The method of claim 1, wherein the querying is performed responsive to receiving from a buyer, via the communications network, an expression of interest in purchasing the good.

13.   (Original) The method of claim 12, wherein the expression of interest is a standard identification code identifying the good.

14.   (Original) The method of claim 13, wherein the standard identification code comprises a universal product code (UPC).

15.   (Original) The method of claim 13, wherein the standard identification code comprises an International Standard Book Number (ISBN).

16.　　(Currently Amended) A ~~computer-implemented~~ method for pricing goods <u>offered for sale</u> <u>by</u> [[of]] independent sellers<u>, the method being computer implemented by</u> ~~using~~ a marketeer controller capable of communicating via a communications network, the marketeer controller <u>being configured for electronic communication via the communication network and</u> including a CPU and a memory operatively connected to the CPU, the method comprising the marketeer controller:

　　　　receiving from an independent seller, via the communications network, data identifying <u>a</u> <u>good offered for sale by the independent seller and representing the independent seller's</u> <u>agreement to sell the good at a fixed price to be determined by the marketeer controller as a</u> <u>function of the price of comparable goods offered by various parties, in accordance with a</u> <u>predetermined method</u> ~~the independent seller's good~~;

　　　　querying a plurality of third party's vendor controllers <u>for a price for a comparable good,</u> <u>said querying comprising the marketeer controller transmitting a query,</u> via the communications network<u>, to the third parties' vendor controllers that are configured for electronic</u> <u>communication via the communication network and that includes a respective CPU and a</u> <u>respective memory operatively connected to the respective CPU, said querying identifying said</u> <u>good and requesting transmission to the marketeer</u> to determine each third party's price of a comparable good;

　　　　~~equating an index price to a lowest price of the third parties' prices; and~~

<u>receiving, via the communications network, a set of third party's prices for comparable goods;</u> <u>and</u>

　　　　~~deriving~~ <u>establishing with a pricing agent stored in the memory of the marketeer</u> <u>controller</u> a sale price <u>at which the good may be purchased by a buyer from</u> [[for]] the independent <u>seller</u> ~~seller's good from the index price~~ ~~using~~<u>, the sale price derived, independent of</u> <u>a sale price suggested by the buyer, by</u> a predetermined method <u>using as input the set of received</u> <u>third party's prices for the comparable good</u>.

17.　　(Original) The method of claim 16, wherein the predetermined method for deriving the sale price of the independent seller's good is set by the marketeer controller.

18.   (Currently Amended) A ~~computer-implemented~~ method for pricing goods <u>offered for sale</u> <u>by</u> [[of]] independent sellers<u>, the method being computer implemented by</u> ~~using~~ a marketeer controller capable of communicating via a communications network, the marketeer controller <u>being configured for electronic communication via the communications network and</u> including a CPU and a memory operatively connected to the CPU, the method comprising the marketeer controller:

        receiving from an independent seller, via the communications network, data identifying <u>a</u> <u>good offered for sale by the independent seller</u> ~~the independent seller's good,~~ <u>where</u> the independent seller's good being a certain good in used condition <u>and representing the</u> <u>independent seller's agreement to sell the good at a fixed price to be determined by the marketeer</u> <u>controller as a function of another party's price, in accordance with a predetermined method;</u>

        querying a <u>vendor</u> ~~vendor's controller, via the communications network,~~ to determine the vendor's price for a comparable good<u>, said querying comprising the marketeer controller</u> <u>transmitting a query, via the communications network, to a vendor's controller that is configured</u> <u>for electronic transmission via the communications network that includes a respective CPU and</u> <u>respective memory operatively connected to the respective CPU, said querying identifying said</u> <u>good and requesting transmission to the marketeer controller of the vendor's price for the</u> <u>comparable good,</u> the comparable good being the certain good in new condition; and

        ~~deriving~~ <u>establishing with a pricing agent stored in the memory of the marketeer</u> <u>controller</u> a sale price <u>at which the good may be purchased by a buyer from</u> [[for]] the independent <u>seller, the sale price derived, independent of a sale price suggested by the seller, by</u> <u>a predetermined method using as input the received vendor's price for the comparable good,</u> ~~seller's good from the vendor's price for the comparable good using a predetermined method~~ ~~established by the marketeer controller,~~ the predetermined method comprising discounting the vendor's price for the comparable good to determine the sale price for the independent seller's good.

19.   (Original) The method of claim 18, wherein the querying vendor's controller is performed proximate a time that the buyer wishes to buy the independent seller's good.

20.   (Original) The method of claim 18, wherein the querying is performed proximate a time that the independent seller registers the good with the marketeer as a good offered for sale by the seller.

21.   (Currently Amended) A marketeer controller for processing data for pricing an independent seller's good, comprising:

        a central processing unit (CPU) for executing programs;

        a memory operatively connected to the CPU;

        a network interface device operatively connected to the CPU for communicating with a seller's computing device and a vendor's controller computer via a communications network;

        a first program stored in the memory for receiving from the seller's computing device data identifying the seller's good apart from any price for the good, and for storing the data in the memory in association with a predetermined pricing method;

        a shopping agent program stored in the memory for querying the vendor's controller computer to determine the vendor's price for a comparable good comparable to the seller's good, and for determining an index price based on the vendor's price; and

        a pricing agent program stored in the memory for deriving a sale price for the seller's good, the pricing agent program being configured to derive the sale price for the seller's good from the index price using the predetermined pricing method, independent of a sale price suggested by the seller.

22.   (Original) The marketeer controller of claim 21, wherein the shopping agent program is configured to use the standard identification code to query the vendor's controller.

23.   (Original) The marketeer controller of claim 21, wherein the seller's good is used and has a certain universal product code (UPC) or International Standard Book Number (ISBN), and the comparable good is new and has an identical UPC or ISBN.

24.   (Original) The marketeer controller of claim 21, wherein the predetermined method comprises discounting the index price to determine the sale price for the independent seller's good.

25.   (Currently Amended) A computer-implemented method for offering for sale goods of independent sellers at specified sales prices, the method being computer-implemented by a marketeer's marketeer controller computer capable of communicating via a communications network, the marketeer controller computer being configured for electronic communication via the communications network and including a microprocessor and a memory operatively connected to the microprocessor, the method comprising:

        the marketeer controller computer receiving from an independent seller, via the communications network, data identifying a good and representing the independent seller's agreement to sell the good at an unspecified fixed price to be subsequently determined according to a specified pricing method;

        the marketeer controller computer storing the data in the memory to add the good to a list of goods registered for sale with the marketeer, the good being listed for sale at an unspecified price;

        in response to the marketeer controller computer's receipt from a buyer, via the communications network, an expression of interest in purchasing the good:

        the marketeer controller computer querying a vendor to determine the vendor's price for a comparable good, the querying comprising the marketeer controller computer transmitting a query, via the communications network, to the vendor's controller computer that is configured for electronic communication via the communication network and that includes a respective microprocessor and a respective memory operatively connected to the respective microprocessor, the query identifying the comparable good and requesting transmission to the marketer controller of the vendor's price for the comparable good;

        the marketeer controller computer receiving, via the communications network, the vendor's price for the comparable good; and

        the marketeer controller computer deriving a sale price at which the buyer may purchase the good from the independent seller, the deriving comprising a pricing agent program of the

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marketeer controller computer receiving the vendor's price for the comparable good as input and providing the sale price for the independent seller's good as output, the sale price being determined by the pricing agent program as a function of the vendor's price for the comparable good, independent of a sale price suggested by the seller, and the predetermined pricing method; and

the marketeer controller computer presenting the good to the buyer for purchase from the independent seller at the sale price.

26. (Previously Presented) The method of claim 1, wherein the predetermined pricing method to be used is set by the marketeer controller.

27. (Previously Presented) The method of claim 1, wherein the predetermined pricing method to be used to derive a price for the independent seller's good is set by the independent seller.